


FILED**MAY 11 2017**CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY  DEPUTYUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISIONUNITED STATES OF AMERICA,
Plaintiff,

V.

JESSICA NICOLE SMITH,
Defendant,§
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§
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§

CAUSE NO. SA-16-CR-394 XR

AGREED ORDER REVOKING SUPERVISED RELEASE

On this day came on to be considered the Government's Petition for Warrant or Summons for Offender Under Supervision (Document 19). Through their signatures below, the parties have recommended a disposition of all alleged violations in this cause. The Court concurs with this disposition which is supported by findings set forth below.

I. Findings

Supervision imposed. On or about April 28, 2011, the United States District Court for the Southern District of Texas sentenced the Defendant to thirteen months imprisonment, a \$100 special assessment, and three year of supervised release for the offense of transporting an undocumented alien for private financial gain in violation of 8 U.S.C. §1324(a)(1)(A)(ii). Defendant's term of supervised release was revoked in March, 2014, and she was sentenced to twelve months imprisonment to be followed by reimposed supervised release of two years. Defendant began her second term of supervised release on or about April 6, 2015. That term of supervision was revoked, and Defendant sentenced to time served, on November 16, 2016. Defendant began her current term of supervision on December 29, 2016.

Supervision violations. Defendant failed to report to her probation officer within 72

hours of her release from state custody on December 29, 2016. She was also arrested on state charges on January 3, 2017, and those charges remain pending.

Defendant's acknowledgments. The Defendant acknowledges that: (1) upon revocation of her probation, the Court could assess imprisonment up to a statutory maximum of 2 years imprisonment, and re-impose supervised release, and payment of any unsatisfied monetary sanction previously imposed; (2) the United States bears the burden of proving charged violations of supervised release by a preponderance of the evidence; (3) she does not contest the above-related factual summary of the evidence of her misconduct; and (4) the United States could prove such misconduct by a preponderance of the evidence.

Defendant's waiver of rights. Through their signatures below, the Defendant and her attorney specifically assert, and the Court finds, that the Defendant voluntarily, knowing and intelligently: (1) waives her rights under the Constitution, Fed.R.Crim.P. 32.1(b)(2), and 43, 18 USC § 3583(e)(3), and/or otherwise, to be present and participating with her lawyer at a proceeding at which the Defendant's supervised release is revoked and she is re-sentenced, as accomplished by this Order; and (2) requests that the Court enter this Order forthwith without the necessity of any further hearing or appearance by the Defendant or her counsel.

II. Order

In view of the foregoing, based on the Defendant's uncontested violations of her supervised release for which there is an adequate factual basis as summarized above, the Court finds, determines, and orders that:

1. The Defendant's supervised release is revoked pursuant to 18 U.S.C. § 3583(e).
2. The Defendant is remanded to the custody of the Bureau of Prisons for a sentence of SIX MONTHS. This sentence shall run concurrent with any state sentences and should include credit for all time spent in custody since her arrest on January 3, 2017.
3. Upon the Defendant's discharge of her sentence, no further supervision shall follow.
4. Monetary sanctions imposed in this case that remain unpaid are imposed.

APPROVED and ORDERED ON THIS 11th day of May, 2017.

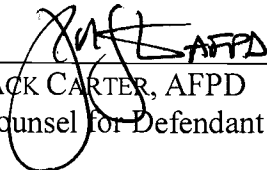


XAVIER RODRIGUEZ
United States District Judge

UNDERSTOOD AND AGREED TO IN EVERY RESPECT:



JESSICA NICOLE SMITH
Defendant



JACK CARTER, AFD
Counsel for Defendant



SAM PONDER

Assistant United States Attorney

(Counsel for the Government has conferred with the United States Probation Officer and the Officer agrees with the parties that this sentence is appropriate.)